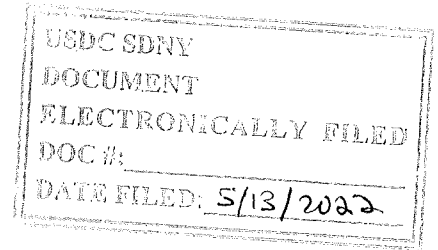


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK



-----X
TYREK DUBOSE,
Plaintiff,

v.

C.O. JIMINEZ, et al.,
Defendants.
-----X

ORDER

22 CV 2124 (VB)

On May 13, 2022, the Court received plaintiff’s motion for a temporary restraining order. (Docs. ##12–14). Plaintiff, who is incarcerated, alleges prison officials are violating his constitutional rights, and he seeks to enjoin defendants from hiding funds that plaintiff contends will be used to pay the judgment in this case. Specifically, plaintiff contends he overheard defendant Del Bianco, a correction officer, tell his colleagues that plaintiff “can’t get our money if we move it” and that plaintiff “is going to win [the lawsuit] but there won’t be nothing for him to get.” (Doc. #13, ¶ 4).

Plaintiff’s motion is DENIED as plainly without merit.

A court may not issue a temporary restraining order “simply to safeguard a defendant’s assets in the event that defendant is ultimately held liable on [plaintiff’s] claims.” Spin Master v. Aciper, 2020 WL 6482878, at *3 (S.D.N.Y. Nov. 4, 2020). Thus, a temporary restraining order is inappropriate here. Moreover, to the extent plaintiff prevails at trial, it is highly likely any judgment will be paid by the State of New York, not by any individual defendant personally.

According, plaintiff’s motion must be denied.

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that any appeal from this Order would not be taken in good faith, and therefore in forma pauperis status is denied for the purposes of an appeal. Cf. Coppedge v. United States, 369 U.S. 438, 444–45 (1962).

The Clerk is instructed to terminate the motion. (Doc. #12).

Chambers will mail a copy of this Order to plaintiff at the address on the docket.

Dated: May 13, 2022
White Plains, NY

SO ORDERED:

A handwritten signature in black ink, appearing to read 'Vincent Briccetti', written over a horizontal line.

Vincent L. Briccetti
United States District Judge